

SECOND REGULAR SESSION

HOUSE BILL NO. 1448

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (27).

Read 1st time January 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2858L.011

AN ACT

To repeal section 302.525, RSMo, and to enact in lieu thereof one new section relating to drivers' licenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 302.525, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.525, to read as follows:

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, **driving to and from a formal program of secondary, postsecondary, or higher education**, and **driving to and from an alcohol education or treatment program**. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303,

19 RSMo, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant
20 to this section or section 302.535 until the person has completed the first thirty days of a
21 suspension under this section;

22 (2) The period of revocation shall be one year if the person's driving record shows one
23 or more prior alcohol related enforcement contacts during the immediately preceding five years.

24 3. For purposes of this section, "alcohol related enforcement contacts" shall include any
25 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation
26 entered in this or any other state for a refusal to submit to chemical testing under an implied
27 consent law, and any conviction in this or any other state for a violation which involves driving
28 a vehicle while having an unlawful alcohol concentration.

29 4. Where a license is suspended or revoked under this section and the person is also
30 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
31 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving
32 while intoxicated or alcohol related traffic offense, both the suspension or revocation under this
33 section and any other suspension or revocation under this chapter shall be imposed, but the
34 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against
35 any other suspension or revocation imposed under this chapter, and the total period of suspension
36 or revocation shall not exceed the longer of the two suspension or revocation periods.